



Oregon State Marine Board
PO Box 14145
435 Commercial St NE, #400
Salem OR 97309-5065
(503) 378-2610
FAX (503) 378-4597

Date Received: _____

OSMB REGULATORY Waterway Marker Application

IMPORTANT:

- *Markers can only be placed where allowed by law, or to alert individuals to specific hazards.*
- *Form must be completed, approved and signed by all parties prior to installation of waterway markers.*

Instructions

Regulatory markers such as “Slow-No Wake” and “No Boats” may ONLY be placed in locations consistent with state law. Waterway markers relate regulation but cannot in themselves be an impediment to navigation. By applying to place your own marker, you accept the cost, liability and responsibility to maintain the marker as per these instructions and state law. Markers that are inconsistent with state law, create hazard, or are determined to be unnecessary for any reason will not be permitted. Permits for buoy placement within 200’ of another similar buoy will typically not be permitted.

Step 1: complete the following elements of the application

Section (1) – (13): the statement of purpose that includes:

- Names of the entities who will be responsible for the upkeep and maintenance of the marker(s)
- Reference to the rule or statute that supports the boating restriction
- Responsible party acknowledgments and hold harmless agreement

Section (14): the list or table describing the details of each marker:

- Marker type (sign or buoy)
- Marker size, shape, and material
- Message (including symbol and wording)

Section (15): a scale drawing or map of the regulated area showing the approximate placement of markers listed in Section (16).

Step 2: Submit the completed and signed application

- Plan ahead: Please allow 30 days for this application to be processed by the Marine Board.
- Do not purchase or place markers until permit is granted; only purchase markers that meet Marine Board specifications.
- Marine Board staff will request comment from your county’s Marine Patrol program and from other waterway management agencies (US Army Corps of Engineers, the US Forest Service, and the Bureau of Land Management, etc.) on any concerns with the placement of the waterway markers as proposed. The other agencies may also suggest restrictions on the timing of placement, the location, or the design of markers.
- Once granted, buoys must be placed in the permitted location as specified in the approval letter.

The person or public body whose name is on this permit is responsible for maintaining the buoy and accepts all responsibility thereof. Permits for improperly placed, damaged or hazardous buoys will be revoked and buoys removed.

Send completed applications to:

Mervin.W.Hee@osmb.state.or.us

Oregon State Marine Board

435 Commercial St NE

Salem, OR 97301



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1. Date:	2. Waterway name:
3. Applicant Name:	4. County:

5. Agency (if applicable):

6. Address:

7. Phone:	8. Fax:
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9. E-mail:

10. Type and number of waterway marker requested: _____ number of buoys _____ number of sign

Slow-no wake Speed Zone ___ MPH Vessel exclusion

other: _____ (such as No PWC, Electric Only, No Jet Pumps)

11. Rule or statute establishing the regulatory area:

250-010-0025 Basic Rule for "Slow-No Wake"
 (1) No person shall operate a boat on the waters of this state in excess of a "Slow-No Wake" speed within 200 feet of a boat launch ramp, marina with a capacity for six or more moored vessels, floating home/boathouse moorage with six or more contiguous structures, and locations where persons are working at water level on floats, logs or waterway construction.
 (2) Section (1) of this rule does not apply to commercial vessels or vessels engaged in navigation on rivers where a speed in excess of slow no-wake is needed to ensure safe passage.

Local and Special Rules
 250-020-_____ (enter the rule number)

Personal Watercraft Rules
 250-021-_____ (enter the rule number)

Scenic Waterway Rules
 250-030-_____ (enter the rule number)

12. Applicant Agreement *(initial each line)*

- I agree to obtain waterway markers that meet state standards (see marker standards) _____
- I agree to place markers only in the locations approved _____
- I agree to maintain markers in serviceable condition as described in the marker standards _____
- I understand that markers may only be used consistent with federal and state laws and that improperly placed markers or markers that create hazards will be removed _____

Signature: _____ Date: _____

13. Hold Harmless Agreement

The applicant shall indemnify and defend the State of Oregon and the Marine Board and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever arising out of, or relating to the acts or omissions of the applicant or its officers, employees, subcontractors, or agents under this agreement.

Signature: _____ Date: _____



14. Marker List (see the waterway marker specifications for definitions of types)

Reference number	Marker type	Size	Location	Mounting	Anchoring System (for buoys only)	Symbol	Wording	<u>Exclusion zones:</u>
Each marker equals (1) reference number. This must match number on attached diagram	calm water buoy fast water buoy mooring buoy plastic sign aluminum sign	please provide the dimensions of signs and height of buoys	shore water	Buoy Bridge Dock Double Pile Single Pile		circle ○ crossed diamond ⬠	<u>Control areas:</u> Slow Idle Speed Slow No Wake 5 MPH Limit 10 MPH Limit No Motor Boats Electric Only No PWCs No Jet Pump Motors	No Boats Keep Out Swim Area

Attach additional lists as necessary



15. Attach a scale drawing or map showing the regulated zone and showing the approximate placement of markers detailed in the list above.



Regulatory Waterway Marker Standards

Colors and Shapes

Regulatory markers shall contain the symbols and messages as follows:



A diamond shape of international orange with a cross of the same color within it against a white center shall be used to indicate a water zone where vessels may not enter. Any words or well-known abbreviations must be in black letters above and/or below the shape on white background.

Common messages include: Exclusion Zone, No Entry, Swim Area, and No Boats.



A circle of international orange with white center shall be used to indicate water zone within which a control or restriction is imposed upon operation of vessels and/or use of the zoned area. The nature of the control shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circular shape, or above and/or below it.

Common messages include: Slow No Wake, speed restrictions, and motor type restrictions.

Buoys

Buoys must be white with bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the water line of the buoy so that both orange bands are clearly visible to approaching vessels. The display area of the buoy body between the two bands shall be white. The symbols and messages described above must be placed in the display area.

- Must be a commercial available design approved by the Marine Board;
- Must be self-righting;
- Must have a durable hard plastic shell;
- Must have internal foam floatation and a ballast system.

Calm water buoys must conform to the following minimum dimensions:

- a. The minimum height above the waterline must be 34inches;
- b. The minimum diameter must be 8 inches.

Examples:

Fast water buoys must conform to the following minimum dimensions:

- a. The minimum height above the waterline must be 36 inches;
- b. The minimum can diameter must be 10 inches;
- c. The minimum float collar base diameter must be 21inches

Examples: CAL 427 River Buoy, Rolyan B1428 SW, Taylor Made Sur-Mark Regulatory Buoy 97897

Signs

Signs must be rectangular in shape with a white background and have the symbols and messages described above placed in the center of the display area. Signs shall be made of materials which will retain, despite weather and other exposure, the characteristics essential to their basic significance, such as color, shape, legibility, and position.

Acceptable materials include:

- a. 0.080” aluminum;
- b. Fluted twin wall corrugated plastic sheet; or
- c. Other materials as approved by request to the Marine Board.

The size of a display area shall be as required by circumstances, except no display area shall be smaller than 24 inches in height by 18 inches in width.



Waterway Marker Placement Conditions

1. After obtaining the requested waterway marker permit, the applicant must install, inspect, maintain, and remove the permitted marker at their own expense and as directed by the Marine Board.
2. All markers must comply with the characteristics and standards prescribed by the Marine Board and all permits issued are subject to the following conditions:
 - a. Placement of these markers must be as requested in the application. Any deviation will require the applicant to apply to have the permit amended.
 - b. The applicant must attach a Marine Board supplied coding device or permanently attach the permit number on the top of the marker.
 - c. All markers must be maintained in proper condition at all times. A discrepancy exists whenever a marker is not as described in the approved application or is destroyed, damaged, moved, or is otherwise unserviceable.
 - d. Authorization by the Marine Board for the placement of a marker does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it preclude the necessity of complying with any other federal, state or local laws or regulations.

Transfer of Ownership of Waterway Markers

When any waterway marker(s) authorized under permit by the Marine Board, or the facility with which the marker(s) are associated, is sold or transferred, the Marine Board must be notified within 30 days.

Discontinuance and Removal of Waterway Markers

1. Any permitted waterway marker may be discontinued and removed by the permittee. Upon completion of the removal of the marker, the permittee shall notify the Marine Board in writing within 30 days.
2. If the statute or rule supporting a regulatory marker is amended, the permittee must relocate or otherwise modify those waterway markers placed by the permittee in order to implement the statute or rule, within 30 days of notification from the Marine Board.
3. If the statute or rule supporting a regulatory marker is repealed, the permittee shall remove from the waters of this state all regulatory markers the permittee placed that correspond to the repealed statute or rule, within 30 days of notification from the Marine Board of the rule or statute repeal.
4. The Marine Board or any peace officer charged with the enforcement of OAR Chapter 250 may remove, or cause the removal of, any marker found in violation of OAR Chapter 250, or that does not conform to the permit authorizing the placement of the marker, if the violation is not corrected within 30 days following notification of the permittee of the violation. Waterway markers that create an unreasonable hazard to navigation may be removed immediately.
5. Non-conforming or non-permitted waterway markers removed from the waterway remain the property of the owner. Reoccurring removals of non-conforming or non-permitted markers may result in permanent seizure and will be disposed of in accordance with ORS 98.245.
6. The permittee may appeal the decision to remove non-conforming or non-permitted waterway markers to the Board. Requests for Board review must be in writing within 30 days of the removal action. Any person aggrieved by a decision of the Board regarding the issuance or denial of a waterway marker permit is entitled to judicial review of the decision in accordance with the procedure for contested cases provided by ORS Chapter 183.